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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,500	09/21/2005	Stuart McIntyre	62765(50024)	1438
21874 7590 12/05/2007 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER BOCHNA, DAVID	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/522,500

Applicant(s)

MCINTYRE, STUART

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-19 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 6 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Press et al. '965.

In regard to claim 1, Press et al. discloses a pipe liner connector 43 (“suitable for use with connected pipe sections having an internal liner” is intended use language and carries little patentable weight in an apparatus claim, Press et al. is capable of fulfilling the intended use and therefore anticipates the claim), the pipe liner connector comprising a substantially cylindrical sleeve 43 located in the pipe sections having opposed open ends (“for sealed attachment to the internal liner of the connected pipe sections” is intended use language), and the substantially cylindrical sleeve defining one or more vents 34, 35 extending radially through the cylindrical sleeve (“to provide fluid communication, in use, between a micro-annulus, formed between the internal liner and the connected pipe sections” is intended use language) , and a bore defined by the connected pipe sections, (“for balancing a pressure differential between the micro-annulus and the bore.” is also intended use language).

In regard to claim 2, wherein the pipe liner connector further comprises a shielding ring located 29 between the opposed open ends.

In regard to claim 3 wherein the shielding 29 ring is heat resistant.

3. Claims 1, 4-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sadler et al. '920.

In regard to claim 1, Sadler et al. discloses a pipe liner connector 48 ("suitable for use with connected pipe sections having an internal liner" is intended use language and carries little patentable weight in an apparatus claim, Sadler et al. is capable of fulfilling the intended use and therefore anticipates the claim), the pipe liner connector comprising a substantially cylindrical sleeve 50 located in the pipe sections having opposed open ends ("for sealed attachment to the internal liner of the connected pipe sections" is intended use language), and the substantially cylindrical sleeve defining one or more vents 66 extending radially through the cylindrical sleeve ("to provide fluid communication, in use, between a micro-annulus, formed between the internal liner and the connected pipe sections" is intended use language), and a bore (interior of 48) defined by the connected pipe sections, ("for balancing a pressure differential between the micro-annulus and the bore." is also intended use language).

In regard to claim 4, an open end comprises a diametrically increased ring section 60 longitudinally displaced from the open end towards the opposed open end, the ring section having one or more venting grooves 62 located on an outer surface thereof an extending longitudinally thereon.

In regard to claim 5, the open end further comprises one seal 68 located between the open end and the ring section 60 and the open end having a diameter intermediate of the cylindrical sleeve and the ring section.

In regard to claim 7, an open end comprises one circumferential groove (groove between 58 and 52) suitable for receiving an adhesive and a second vent 67, 62 located between the one or more circumferential grooves and the open end.

In regard to claim 8, Sadler et al. '920 discloses a pipe liner connector assembly comprising pipe sections 16 having an internal liner, and

A pipe liner connector 52 including a substantially cylindrical sleeve 50 having opposed first and second open ends, wherein the first open end comprises a first diametrically increased ring section 28 longitudinally displaced from the first open end towards the second open end, said first diametrically increased ring section 60 having one or more venting grooves 67, 62 located on an outer surface thereof and extending longitudinally thereon ("for balancing a pressure differential between a micro-annulus formed between the internal liner and the pipe sections on a first side of the ring section and an annular section defined between the pipe liner connector and the pipe sections on a second, opposing side of the ring section by providing fluid communication therebetween" is all intended use language).

In regard to claim 9, wherein the first open end further comprises one or more seals 68 located between the first open end and the first ring section and having a diameter intermediate of the cylindrical sleeve 50 and the first ring section 60.

***Allowable Subject Matter***

4. Claims 13-19 are allowed.
5. Claims 6 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 9/19/07 have been fully considered but they are not persuasive. Applicant argues that Press et al. is not concerned with pressure balancing or that there is no microannulus between the liner and pipe sections or that there are radial vents in the bellows. However, claims 1-3 are only drawn to the connector and not the connector in combination with two lined pipe ends. The phrases "to provide fluid communication in use between a micro-annulus" and "for balancing a pressure differential ..." are intended use recitations, and thus do not need to be disclosed by the applied prior art. The prior art of Press et al. must only disclose the recited structural limitations of the connector in order to anticipate the claim. It is unclear to the Examiner why the radial vents need to be in the bellows, the vents are within the ring 43.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Application/Control Number:  
10/522,500  
Art Unit: 3679

Page 6

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "David Bochna", with a long horizontal flourish extending to the right.

David E. Bochna  
Primary Examiner  
Art Unit 3679